

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Monday, November 13, 2006, at 2:30 p.m. to consider the nomination of Susan E. Dudley to be Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Rose Fabia, a detailee to the Appropriations Committee from the Department of Veterans Affairs and a staff member on our committee, be granted floor privileges for the duration of debate on H.R. 5385.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES PLACED ON THE CALENDAR—S. 3994 AND S. 4041

Mr. FRIST. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will report the bills by title for a second time.

The legislative clerk read as follows:

A bill (S. 3994) to extend the Iran and Libya Sanctions Act of 1996.

A bill (S. 4041) to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes.

Mr. FRIST. Mr. President, in order to place the bills on the calendar under the provisions of rule XIV, I object to further proceeding en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be placed on the calendar.

MEASURE READ THE FIRST TIME—S. 4047

Mr. FRIST. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4047) to prohibit the issuance of transportation security cards to individuals who have been convicted of certain crimes.

Mr. FRIST. Mr. President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

PUEBLO OF ISLETA SETTLEMENT AND NATURAL RESOURCES RESTORATION ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent to proceed to the

immediate consideration of H.R. 5842, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5842) to compromise and settle all claims in the case of Pueblo of Isleta v. United States, to restore, improve, and develop the valuable on-reservation land and natural resources of the Pueblo, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5842) was ordered to a third reading, was read the third time, and passed.

TO PROVIDE FOR THE CONVEYANCE OF THE REVERSIONARY INTEREST OF THE UNITED STATES IN CERTAIN LANDS TO THE CLINT INDEPENDENT SCHOOL DISTRICT, EL PASO COUNTY, TEXAS

Mr. FRIST. I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of H.R. 860 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 860) to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District, El Paso County, Texas.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 860) was ordered to a third reading, was read the third time, and passed.

AMENDING THE SHIVWITS BAND OF THE PAIUTE INDIAN TRIBE OF UTAH WATER RIGHTS SETTLEMENT ACT

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 531, S. 3501.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3501) to amend the Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act to establish an acqui-

sition fund for the water rights and habitat acquisition program.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Mr. President, I am pleased that today the Senate has agreed to pass S. 3501, a bill to amend the Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act to establish an acquisition fund for the water rights and habitat acquisition program, with an amendment that I have also offered. This bill amends the Shivwits Band of Paiute Indian Tribe of Utah Water Rights Settlement Act, enacted in 2000, which ratified a negotiated settlement of the Shivwits Band of Paiute Indian Tribe's water entitlement to flow from the Santa Clara River in UT.

S. 3501 was introduced to address a deficiency in the original statutory language of the Shivwits Water Rights Settlement Act. Section 10 of that Act authorized a water rights and habitat acquisition program. Congress appropriated \$3 million that was authorized by Section 10. When the Department of the Interior attempted to implement the law, the Treasury Department advised that the language in Section 10 was insufficient for this purpose. The Treasury Department and Department of the Interior developed technical correction language to address this deficiency in the original statutory language. S. 3501 facilitates this correction in the Shivwits Water Rights Settlement Act.

However, subsequent to approval of this measure by the Indian Affairs Committee, the Congressional Budget Office determined that the language developed by Treasury and Interior, as reflected in S. 3501, could be interpreted to authorize an additional \$3 million to the Acquisition Fund and thereby increase direct spending.

Therefore, I have offered an amendment with the bill in an effort to avoid any ambiguity in S. 3501 concerning prior appropriations for the Acquisition Fund. The amendment strikes the potentially ambiguous language in the bill, and inserts new language, to the effect, that funds transferred to the Acquisition Fund are funds made available but not expended. The technical amendment therefore avoids the possibility of any redundant appropriations, keeping S. 3501 budget neutral, as was originally intended, and fully implements Section 10 of the Shivwits Band of Paiute Indian Tribe of Utah Water Rights Settlement Act of 2000.

Mr. FRIST. I ask unanimous consent the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5133) was agreed to, as follows:

(Purpose: To modify a provision relating to transfers to the Acquisition Fund)

On page 2, strike lines 19 through 22 and insert the following:

“(2) TRANSFERS TO ACQUISITION FUND.—There are transferred to the Acquisition Fund any funds made available, but not expended, under subsection (f).

The bill (S. 3501), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACQUISITION FUND.

Section 10 of the Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act (Public Law 106-263; 114 Stat. 743) is amended—

(1) in subsection (f), by striking the second sentence; and

(2) by adding at the end the following:

“(g) ACQUISITION FUND.—

“(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ‘Santa Clara Water Rights and Habitat Acquisition Fund’ (referred to in this section as the ‘Acquisition Fund’), consisting of—

“(A) such amounts as are appropriated to the Acquisition Fund under paragraph (2); and

“(B) any income earned on investment of amounts in the Acquisition Fund under paragraph (4).

“(2) TRANSFERS TO ACQUISITION FUND.—There are transferred to the Acquisition Fund any funds made available, but not expended, under subsection (f).

“(3) EXPENDITURES FROM ACQUISITION FUND.—On request by the Secretary, the Secretary of the Treasury shall transfer from the Acquisition Fund to the Secretary such amounts as the Secretary determines to be necessary to carry out this section.

“(4) INVESTMENT OF AMOUNTS.—

“(A) IN GENERAL.—On request by the Secretary, the Secretary of the Treasury shall invest such portion of the Acquisition Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

“(B) OBLIGATIONS.—Investments may be made only in public debt securities with maturities suitable to the needs of the Acquisition Fund, as determined by the Secretary, that bear interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

“(C) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under subparagraph (A), obligations may be acquired—

“(i) on original issue at the issue price; or

“(ii) by purchase of outstanding obligations at the market price.

“(D) SALE OF OBLIGATIONS.—Any obligation acquired by the Acquisition Fund may be sold by the Secretary of the Treasury at the market price.

“(E) CREDITS TO ACQUISITION FUND.—The income on, and the proceeds from the sale or redemption of, any obligations held in the Acquisition Fund shall be credited to, and form a part of, the Acquisition Fund.

“(5) TRANSFERS OF AMOUNTS.—

“(A) IN GENERAL.—The amounts required to be transferred to the Acquisition Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Acquisition Fund on the basis of estimates made by the Secretary of the Treasury.

“(B) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

“(6) MANAGEMENT.—The Acquisition Fund (including the principal of the Acquisition Fund and any interest generated on that principal) shall be managed in accordance with this section.”.

WAIVING APPLICATION OF THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 642, S. 3687.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3687) to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3687) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

With respect to the parcel of real property in Marion County, Oregon, deeded by the United States to the Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes of the Grand Ronde Community of Oregon by quitclaim deed dated June 18, 2002, and recorded in the public records of Marion County on June 19, 2002, Congress finds that—

(1) the parcel of land described in the quitclaim deed, comprising approximately 19.86 acres of land originally used as part of the Chemawa Indian School, was transferred by the United States in 1973 and 1974 to the State of Oregon for use for highway and associated road projects;

(2) Interstate Route 5 and the Salem Parkway were completed, and in 1988 the Oregon Department of Transportation deeded the remaining acreage of the parcel back to the United States;

(3) the United States could no longer use the returned acreage for the administration of Indian affairs, and determined it would be most appropriate to transfer the property to the Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes of the Grand Ronde Community of Oregon;

(4) on request of the Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes of the Grand Ronde Community of Oregon, the United States transferred the parcel jointly to the Tribes for economic development and other purposes under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

(5) the transfer of the parcel was memorialized by the United States in 2 documents, including—

(A) an agreement titled “Agreement for Transfer of Federally Owned Buildings, Improvements, Facilities and/or Land from the

United States of America the [sic] Confederated Tribes of the Grand Ronde Community of Oregon and the Confederated Tribes of Siletz Tribe [sic] of Oregon”, dated June 21, 2001; and

(B) a quitclaim deed dated June 18, 2002, and recorded in the public records of Marion County, Oregon, on June 19, 2002 (reel 1959, page 84);

(6) use of the parcel by Tribes for economic development purposes is consistent with the intent and language of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and other Federal Indian law—

(A) to encourage tribal economic development; and

(B) to promote economic self-sufficiency for Indian tribes;

(7) the United States does not desire the return of the parcel and does not intend under any circumstances to take action under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or any other legal authority to seek the return of the parcel; and

(8) in reliance on this intent, the Tribes have committed over \$2,500,000 to infrastructure improvements to the parcel, including roads and sewer and water systems, and have approved plans to further develop the parcel for economic purposes, the realization of which is dependent on the ability of the Tribes to secure conventional financing.

SEC. 2. WAIVER OF APPLICATION OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

(a) NONAPPLICATION OF LAW.—Notwithstanding any other provision of law, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not apply to the transfer of the parcel of real property in Marion County, Oregon, deeded by the United States to the Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes of the Grand Ronde Community of Oregon by quitclaim deed dated June 18, 2002, and recorded in the public records of Marion County on June 19, 2002.

(b) NEW DEED.—The Secretary of the Interior shall issue a new deed to the Tribes to the parcel described in subsection (a) that shall not include—

(1) any restriction on the right to alienate the parcel; or

(2) any reference to any provision of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(c) PROHIBITION ON GAMING.—Class II gaming and class III gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall not be conducted on the parcel described in subsection (a).

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 109-21

Mr. FRIST. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on November 13, 2006, by the President of the United States:

Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs, Treaty Document No. 109-21.

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.